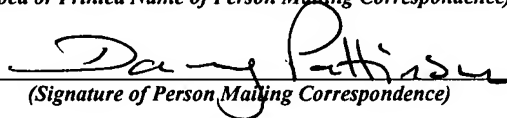


07-23-07

AP/ JFKN

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): Linder			Docket No. 11.023011 CIP	
Application No. 10/618,443	Filing Date July 11, 2003	Examiner Mummert, Stephanie	Customer No. 0000 38732	Group Art Unit 1637
Invention: <b>Methods, Compositions and Apparatuses for Detecting a Target in a Preservative Solution</b>				
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <b>Response to Notice of Non-Compliant Appeal Brief - Amendment to Appeal Brief</b> </div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"> <u>July 20, 2007</u>  <i>(Date)</i> </p> <div style="text-align: right; margin-top: 20px;"> <u>Darry Pattinson</u>  <i>(Typed or Printed Name of Person Mailing Correspondence)</i>    <i>(Signature of Person Mailing Correspondence)</i>  <u>EV 852600585 US</u>  <i>("Express Mail" Mailing Label Number)</i> </div>				
Note: Each paper must have its own certificate of mailing.				



Attorney's Docket No. 11.023011 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Linder *et al.* Group Art Unit: 1637  
Appl. No.: 10/618,443 Examiner: Mummert, Stephanie  
Filed: July 11, 2003  
For: METHODS, COMPOSITIONS AND APPARATUSES FOR DETECTING  
A TARGET IN A PRESERVATIVE SOLUTION

Commissioner for Patents  
PO Box 145  
Alexandria, Virginia VA 22313-1450

**AMENDMENT TO APPEAL BRIEF**

Sir:

This Amendment is filed in response to the Notification of Non-Compliant Appeal Brief mailed July 6, 2007 and pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed January 6, 2007. Please enter the following amended Summary of Claimed Subject Matter to the Appeal Brief filed April 9, 2007.

**Summary of Claimed Subject Matter.**

The invention as defined by independent claim 1 describes an assay comprising providing a sample that is suspected of containing a target; providing a sensor that can bind to the target in an alcoholic preservative solution that does not contain formamide, said sensor conjugated to a chromophore; contacting the sample with the sensor in the alcoholic preservative solution that does not contain formamide under conditions in which the sensor can bind to the target, if present; applying a light source to the solution that can excite the chromophore; and detecting whether light is emitted from the target.

The invention as defined by independent claim 28 describes a method for identifying a sensor which specifically binds to a desired target, comprising: contacting a sample suspected of containing a target of interest with a detectable sensor, wherein the contacting takes place in a preservative solution comprising an amount of one or more water-soluble alcohols effective to preserve such solution against at least one contaminant and does not contain formamide; and detecting whether the sensor has bound to the target.

The methods allow for the simultaneous performance of sufficient fixation of a sample and binding of a detectable sensor to a target of interest in a sample. A summary of the claimed subject matter defined in independent claims 1 and 28 involved in the appeal may be found paragraphs [0014] to [0018] of the specification as well as Examples 1 and 2 found from paragraphs [0092] to [0106].